



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

March 10, 1971

Mr. R. T. Harris, County Auditor  
Mr. Ed Keys, County Attorney  
Ward County  
Monahans, Texas

Opinion No. M- 804

Re: Authority under Article  
1015c-1, V.C.S., for  
Ward County to operate  
a public golf course  
on land owned by the  
City of Monahans.

Gentlemen:

In your recent letter you requested the opinion of this office on the following question:

"Is the operation of a nine-hole golf course (park) under Art. 1015c-1, R.C.S. by Ward County, Texas, valid where said acreage is owned by the City of Monahans, Texas. It has previously been leased by said City to the Monahans Country Club, said lease had been donated by said club to Ward County, Texas, and said acreage, and the management thereof, is controlled absolutely by a Bureau established by the Commissioners' Court of Ward County, Texas, under said Art. 1015c-1?"

Your inquiry is governed by the provisions of Article 1015c-1, Vernon's Civil Statutes, the relevant portions of which are copied below:

"Article 1015c-1. Recreational programs and facilities; establishment by counties, cities and towns, jointly or singly, authorized

**Purpose**

Section 1. The purpose of this Act is to promote the establishment, operation and support of public recreational facilities and programs by local government units of this State either singly or jointly.

### Definitions

Sec. 2. As used in this Act:

(a) The term 'governing body' means any city council, city commission, county commissioners court, or other body acting in lieu thereof.

(b) The term 'governmental unit' means any city, town, or county.

(c) The term 'board' means any board, commission, committee or council appointed or designated to carry out the provisions of this Act.

### Recreational powers

Sec. 3. Any governmental unit may establish, provide, acquire, maintain, construct, equip, operate, and supervise recreational facilities and programs, either singly or jointly in cooperation with one (1) or more other governmental units.

### Elections

Sec. 4. Any governmental unit may submit the question of whether it shall exercise the powers conferred in Section 3 to an election of the qualified electors of such unit.

### Finances

Sec. 5. Any governmental unit may pay costs and expenses of carrying out the provisions of this Act from the general revenues of the unit, or from other revenues now provided by law for the establishment or the operation of parks and recreational facilities. . . .

### Administration

Sec. 6. A governing body may administer and operate recreational facilities and programs through a bureau or department of recreation or through a board established jointly with another governing body. . . .

### Acceptance of gifts

Sec. 7. Any governmental unit may accept any grant, lease, loan or devise of real estate, or gift or bequest of money, either principal or income, or any other personal property for either temporary or permanent use for the establishment, operation, or support of public recreational facilities and programs.

### Limitations

Sec. 8. This Act shall be cumulative as to all laws, ordinances, and charter provisions relating to public recreation and parks." (Acts 1955, 54th Leg., p. 1179, ch. 458.)

It is the opinion of this office that Ward County may, under the authority of this Article and under the facts set forth in your request, including full control and operation of the golf course by a Bureau or agency of Ward County, accept the lease donated by the Monahans Country Club and may, at the discretion of the county, establish, provide, acquire, maintain, construct, equip, operate, and supervise a public golf course on land covered by said lease, provided that the Country Club of Monahans has the right under its lease from the city to sublease the land, or has received the consent of the city to such sublease.

Under Section 5 of Article 1015c-1 the county may pay costs and expenses of carrying out provisions of the Act from general revenues, or from other revenues provided by law for the establishment or the operation of parks and recreational facilities.

Under Section 7 of Article 1015c-1 the county may accept the lease made the subject of your request and may accept a gift or bequest of money, either principal or income, or any other personal property for either temporary or permanent use for the establishment, operation, or support of the golf course.

### S U M M A R Y

Under the authority of Article 1015c-1, V.C.S. and under the facts submitted with your request, Ward County or an agency of the county may maintain

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a public golf course on land owned by the City of Monahans where the county holds the land as lessee under a valid lease from the Monahans Country Club, the city's lessee.

Ward County may pay costs and expenses of maintaining the golf course from the general revenue fund.

The county may accept a gift of money or personal property for use in maintaining the golf course.

Very truly yours,

CRAWFORD C. MARTIN  
Attorney General of Texas

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